

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DURHAM SCHOOL SERVICES, L.P.

and

TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN AND HELPERS
LOCAL UNION NO. 991 A/W INTERNATIONAL
BROTHERHOD OF TEAMSTERS

Cases 15-CA-106217
15-CA-109934
15-CA-112948

ORDER DENYING MOTION¹

The Respondent's Motion for Partial Summary Judgment is denied. The Respondent has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.²

Dated, Washington, D.C., October 20, 2014

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
NANCY SCHIFFER,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Respondent argues, among other things, that it has no duty to bargain with the Union because the Board lacked a valid quorum during the periods in which the representation petition was filed, the Stipulated Election Agreement was approved, and the representation election was conducted. Specifically, the Respondent, relying on *Laurel Baye of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469, 473 (D.C. Cir. 2009), argues that the Board's prior delegation of authority in representation cases to the regional directors lapsed when the Board lost a quorum. This argument was raised and rejected in the Board's Order denying the Respondent's motion for reconsideration of the Board's Decision and Certification of Representative in Case 15-RC-096096 (reported at 360 NLRB No. 108), and provides no basis for granting the Respondent's motion here. See *Durham School Services, L.P.*, 361 NLRB No. 66 (2014).